

**REMARKS**

In the Office Action<sup>1</sup>, the Examiner rejected claims 1-5, 11-13, 15-18, 24-26, 28-33, 36-38, 40, 46-48, and 50-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,870,454 to Dahlen ("*Dahlen*"); rejected claims 1-4, 6, 16-17, 19, 29-34, 46-48, and 50-52 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,805,671 to Ohuchi ("*Ohuchi*"); rejected claims 7, 14, 20, 27, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Dahlen* in view of U.S. Patent No. 6,751,299 to Brown et al. ("*Brown*"); and rejected claims 41-45, 49, and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Dahlen* in view of *Brown* or *Ohuchi*. The Examiner indicated allowable subject matter in claims 8-10 and 21-23 if these claims are rewritten in independent form.

By this Amendment, Applicant has amended claims 1, 12, 13, 16, 25, 26, 41, and 43-53, and canceled claims 11, 24, 29-40, and 42 such that claims 1-10, 12-23, 25-28, 41, and 43-53 remain pending.

Applicant respectfully traverses the rejection of claims 1-5, 11-13, 15-18, 24-26, 28-33, 36-38, 40, 46-48, and 50-52 under 35 U.S.C. § 102(b) as anticipated by *Dahlen*. In order to properly establish that *Dahlen* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

as is contained in the ... claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites a communication system including, for example:

a second communication device for receiving said outgoing data and for transmitting audio content data ... and

a third communication device for receiving said audio content data transmitted from said second communication device without pushing an off-hook button and for reproducing said audio content data.

(emphasis added). *Dahlen* teaches a network telecommunications service that allows a calling party to provide a voice message which is converted to a text message (col. 1, lines 42-44). “Speech/text converter 80 records the voice message from calling party 22 and temporarily stores the voice message which is incrementally converted to text” (col. 7, lines 9-11). “Thus, the called party at the location of the selected one of receiving equipments 100 receives a text message which has been translated by converter 80 from the voice of calling party 22 to text” (col. 8, lines 30-33).

In addition, the speech/text converter 80 can perform conversion of a text message to a speech message (col. 9, lines 17-18). The calling party can select a prestored text message and the speech/text converter 80 performs text to speech conversion (col. 10, lines 15-18). *Dahlen* does not teach a “third communication device for receiving said audio content data transmitted from said second communication device without pushing an off-hook button and for reproducing said audio content data,” as recited in claim 1.

Accordingly, *Dahlen* cannot anticipate claim 1. Thus, claim 1 is allowable for these reasons and claims 2-10, and 12-15 are also allowable at least due to their depending from claim 1. Independent claims 16, 41, and 46-53 and dependent claims

17-23, 25-28, and 43-45, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Dahlen* for at least the same reasons discussed above in regard to claim 1.

Applicant respectfully traverses the rejection of claims 1-4, 6, 16-17, 19, 29-34, 46-48, and 50-52 under 35 U.S.C. § 102(b) as anticipated by *Ohuchi*.

*Ohuchi* teaches a method of informing “a calling party of the fact that the audio message from a partner has been stored in the memory on the basis of information of the partner which was inputted for call generation” (col. 2, lines 16-20). *Ohuchi* does not teach, “a third communication device for receiving said audio content data transmitted from said second communication device without pushing an off-hook button and for reproducing said audio content data,” as recited in claim 1.

Accordingly, *Ohuchi* cannot anticipate claim 1. Thus, claim 1 is allowable for these reasons and claims 2-10, and 12-15 are also allowable at least due to their depending from claim 1. Independent claims 16, 41, and 46-53 and dependent claims 17-23, 25-28, and 43-45, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Ohuchi* for at least the same reasons discussed above in regard to claim 1.

Regarding the rejection of claims 7, 14, 20, 27, 35, and 39, dependent from claims 1 and 16, the Examiner relies on *Brown* for allegedly teaching “another communication device for transmitting advertisement data and sponsor identification data identifying a sponsor of said advertisement data to said second communication device” (Office Action at page 6). Even assuming this assertion is true, *Brown* fails to cure the deficiencies of *Dahlen* discussed above. *Brown* teaches a voice messaging

system including “a set of geographically distributed devices in which voice messages are stored” (col. 1, lines 64-66). “The device is one from which messages can be efficiently retrieved by a user” (col. 1, line 67-col. 2, line 1). *Brown* does not teach “a third communication device for receiving said audio content data transmitted from said second communication device without pushing an off-hook button and for reproducing said audio content data,” as recited in claim 1. Therefore, claims 7, 14, 20, 27, 35, and 39 are also allowable over *Dahlen* and *Brown* for at least the same reasons as claim 1.

Regarding the rejection of claims 41-45, 49, and 53, the Examiner relies on *Brown* and *Ohuchi* for allegedly teaching “the feature of receiving advertisement data along with the greeting data” and “the feature of transmitting to and controlling for a server device reception-complete data when message and advertisement have been received” (Office Action at pages 7-8). Even assuming this assertion is true, *Brown* and *Ohuchi* fail to cure the deficiencies of *Dahlen* discussed above. *Dahlen*, *Brown*, and *Ohuchi* do not teach “receiving means for receiving greeting mail and advertisement data without pushing an off-hook button,” as recited in claim 41, and do not teach “wherein an apparatus associated with the receiving party receives said audio content data without pushing an off-hook button,” as recited in claims 49 and 53. Therefore, independent claims 41, 49, and 53, and dependent claims 42-45 are also allowable over *Dahlen*, *Brown*, and *Ohuchi* for at least the same reasons as claim 1.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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